

# SAFEGUARDS

## CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS

NO. 211/14 DECEMBER 2014

## CPSC STAFF PRESENTS PHTHALATES BRIEF TO THE CPSC

In August 2008, President George W Bush signed the landmark legislation, the 'Consumer Product Safety Improvement Act of 2008' (CPSIA) into law. Under Section 108 of CPSIA, the three phthalates BBP, DBP and DEHP are permanently banned in toys and childcare articles and the three phthalates DINP, DNOP and DIDP are banned on an interim basis in toys that can be placed in a child's mouth and in childcare articles.

On 17 July 2014, the Chronic Hazard Advisory Panel (CHAP) released the Panel's report to the Consumer Product Safety Commission (CPSC). The CPSC has 180 days (mid-January 2015) to evaluate the findings and promulgate a final rule based on the report<sup>1</sup>.

On 25 November 2014, a briefing package on the proposed rule 'Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates' has been forwarded to the Commission for consideration of a draft rule that would prohibit specified phthalates in children's toys and child care articles<sup>2</sup>. The draft rule presented in this package is not the final proposed rule. The briefing package is intended to inform the CPSC Commissioners in preparation for a decisional meeting for the final proposed rule on 17 December 2014. The Commission is expected to finalize a proposed rule at that meeting.

The briefing package recommends the Commission to issue a notice of proposed rulemaking that is consistent with the majority of the CHAP recommendations, including

- BBP, DBP, DEHP, DIBP, DPENP, DHEXP (DnHP) and DCHP to be permanently restricted
- DINP, restricted on an interim basis, to be permanently restricted
- DIDP and DNOP, restricted on an interim basis, to be lifted

The CHAP report also recommended restricting DIOP on an interim basis. According to the briefing package, "The CPSC staff recommends no regulatory action to be

taken as there is insufficient data to determine whether a permanent rule is necessary. Furthermore, CPSIA does not have a provision for an interim prohibition / restriction for the Commission's rule under section 108. If the Commission chooses for an interim restriction, a separate rulemaking under the Federal Hazardous Substances Act (FHSA) would be required."

The briefing package also calls for the publication of the CPSC method CPSC-CH-C1001-09.4 to replace CPSC-CH-C1001-09.3 (Standard Operating Procedure for the Determination of Phthalates, 1 April 2010) to reflect the additional phthalates upon passage of the final rule.

Highlights of the recommendations from CPSC staff and a comparison with the existing requirements under CPSIA are summarised in Table 1.

<sup>1</sup> [SGS-Safeguard 146/14](#)

<sup>2</sup> [Briefing Package, Proposed Rule](#)

TABLE 1.

ITEM	PHTHALATE	CPSC STAFF RECOMMENDATIONS TO COMMISSION FOR PROPOSED RULEMAKING (PROHIBITION OF CHILDREN’S TOYS AND CHILDCARE ARTICLES CONTAINING SPECIFIED PHTHALATES)		CPSIA SECTION 108 PROHIBITION ON SALE OF CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES	
		SCOPE	REQUIREMENT	SCOPE	REQUIREMENT
1	BBP	Permanently restricted in  • Toys and childcare articles	≤ 0.1%	Permanently restricted in  • Toys and childcare	≤ 0.1%
2	DBP		≤ 0.1%		≤ 0.1%
3	DEHP		≤ 0.1%		≤ 0.1%
4	DIBP		≤ 0.1%	---	
5	DPENP		≤ 0.1%	---	
6	DHEXP		≤ 0.1%	---	
7	DCHP		≤ 0.1%	---	
8	DINP		≤ 0.1%	Interim restricted in	≤ 0.1%
9	DNOP	Interim restriction not be continued		• Toys that can be placed in a child’s mouth	≤ 0.1%
10	DIDP			• Childcare articles	≤ 0.1%

**Note**

- Decisional meeting is scheduled on 17 December 2014
- Recommends an effective date of 180 days after publication of final rule
- Upon passage of final rule, CPSC method CPSC-CH-C1001-09.4 will be published to reflect changes for DIBP, DPENP, DHEXP and / or DCHP.
- The CPSC method CPSC-CH-C1001-09.4 will still allow alternative methods (eg GB/T 22048-2008), provided the data analysis component is modified to include all phtalates specified under final rule



## DEFINITIONS

ITEM	ACRONYM	CAS	NAME	ITEM	ACRONYM	CAS	NAME
1	BBP	85-68-7	Butylbenzyl phthalate	7	DIBP	84-69-5	Diisobutyl phthalate
2	DBP	84-74-2	Di-n-butyl phthalate	8	DCHP	84-61-7	Dicyclohexyl phthalate
3	DEHP	117-81-7	Di(2-ethylhexyl) phthalate	9	DHEXP (DnHP)	84-75-3	Di-n-hexyl phthalate
4	DINP	28553-12-0 & 68515-48-0	Diisononyl phthalate	10	DPENP	131-18-0	Di-n-pentyl phthalate
5	DNOP	117-84-0	Di-n-octyl phthalate	11	DIOP	27554-26-3	Diisooctyl phthalate
6	DIDP	26761-40-0 & 68515-49-1	Diisodecyl phthalate				

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